

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOANNA P. MATTSON, on behalf of  
herself and all others similarly situated,

Plaintiff,

v.

MILLIMAN, INC.,

Defendant.

C22-0037 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) On October 6, 2023, the Court certified the following class pursuant to Federal Rule of Civil Procedure 23(b)(1):

All participants and beneficiaries of the Milliman, Inc. Profit Sharing and Retirement Plan (“the Plan”) who invested in any of the following funds: the Unified Trust Wealth Preservation Strategy Target Growth Fund, the Unified Trust Wealth Preservation Strategy Target Moderate Fund, and/or the Unified Trust Wealth Preservation Strategy Target Conservative Fund, during the period from January 13, 2016, through the date of this Order, but excluding Defendants Milliman, Inc. (“Milliman”), The Milliman Investment Committee, the Milliman, Inc. U.S. Retirement Committee (collectively, “the Milliman Defendants”), and any of their directors or members, and any officers or employees of the Milliman Defendants with responsibility for the Plan’s investment or administrative function.

Order at 9–10 (docket no. 106). The Court directed the parties to meet-and-confer and inform the Court whether notice should be directed to the Class. *Id.* at 10. In a Joint

1 Status Report, docket no. 112, the parties informed the Court that, because FRCP  
2 23(c)(2)(A) makes providing notice to FRCP 23(b)(1) classes discretionary, they believed  
no notice needed to be provided to the Class.

3 After an eight-day bench trial, *see* docket nos. 185–92, the Court found that  
4 Plaintiff failed to establish her claims against Defendant Milliman, Inc., *see generally*  
5 Order (docket no. 194). Because Class members might be bound by a judgment adverse  
6 to their interests despite never receiving notice of this case, the Court deferred entering  
7 judgment and directed the parties to meet-and-confer and provide the Court with a joint  
status report on whether the Class should be decertified. *Id.* at 64. The parties’ Joint  
Status Report, docket no. 195, merely referred back to the Court’s Order without  
providing any analysis of the question posed to the parties.

8 In light of the due process concerns arising from extinguishing Class members’  
9 claims without ever providing them notice, *cf. Phillips Petrol. Co. v. Shutts*,  
10 472 U.S. 797, 811–12 & n.3 (1985); *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 362–  
11 63 (2011), the parties are ORDERED TO SHOW CAUSE no later than July 19, 2024,  
why the Class should not be decertified prior to the entry of final judgment. The parties  
are further ORDERED to address whether Class members would be bound by any  
judgment if the Court does not decertify the Class.

12 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of  
record.

13 Dated this 2nd day of July, 2024.

14 Ravi Subramanian  
15 Clerk

16 s/Laurie Cuaresma  
17 Deputy Clerk